REMARKS

Claims 1-39 are pending in the application for the Examiner's review and consideration.

CLAIM REJECTIONS UNDER 35 U.S.C. §102, §103

Claims 1-4, 6-10, 12-16, 18-22, 24-32, and 34-39 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated or alternatively under §103(a) as being unpatentable over How to Clean Practically Anything by Florman *et al.* ("Florman"). Applicants respectfully traverse the rejection.

On pages 3-5 of the Office Action, it alleges that each of the steps in each of the claims is notoriously well known. Applicants respectfully submit that the each and every limitation has not been illustrated by Florman.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See, Verdegall Bros. v. Union Oil Co. of California,* 814, F.2d 628, 631, MPEP 2131. Applicants respectfully submit that Florman does not disclose or even suggest each and every element of the claim.

Applicants respectfully submit that Florman does not disclose, or even suggest a method for caring for a fabric article comprising the steps of: providing a laundry detergent composition comprising a set of laundering instructions; providing a fabric treatment composition comprising a set of fabric treatment instructions, the fabric treatment composition being selected from the group consisting of a bleaching composition, a color maintenance composition, a dryer sheet composition, a finishing composition, a pre-treating composition, and a combination thereof; laundering a fabric article with the laundry detergent composition; and treating the fabric article with the fabric treatment composition, wherein the set of laundering instructions comprise a laundering recommendation to use the laundry detergent composition in combination with the fabric treatment composition, wherein the set of fabric treatment instructions comprise a fabric treatment recommendation to use the fabric treatment composition in combination with the laundry detergent composition; and wherein the fabric treatment composition and the laundry detergent composition possess one or more coordinated elements selected from a brand name, container graphics, containers, the

dosages per container, a dye, a perfume, a trade dress, and combinations thereof. (Emphasis added).

On pages 3-5 of the Office Action, it alleges various recitations from Florman. However, there is absolutely no disclosure whereby the fabric treatment composition and the laundry detergent composition possess one or more coordinated elements selected from a brand name, container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, and combinations thereof. While the packages of Florman allegedly suggest instructions for use, recommendations for use, and suggestions for using more than one product, there is absolutely no disclosure or suggestion in Florman whereby the fabric treatment composition and the laundry detergent composition possess one or more coordinated elements selected from a brand name, container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, and combinations thereof.

Claims 5, 11, 17, 23, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Florman in view of U.S. Patent No. 4,775,935 to Yourick ("Yourick") and U.S. Patent No. 5,710,884 to Dedrick ("Dedrick"). Applicants respectfully traverse and obviate the rejection.

On pages 5 and 6 of the Office Action, it alleges that it would have been obvious to the skilled artisan to use the method of Katz or Dedrick to collect information to create a personal profile by monitoring a consumer's habits and needs as disclosed by Katz or Dedrick and from the information provided, provided personalized instructions on cleaning any stain or garment type from data stored in a computer. Applicants, however, respectfully submit that the disclosures of Katz and/or Dedrick do not cure the defects of Florman.

RESPONSE TO OFFICE ACTION RESPONSE TO AMENDMENT AND ARGUMENT

On pages 6-8, the Office Action responds to Applicants previous arguments. Applicant respectfully submits the following rebuttal.

On page 6 of the Office Action, it alleges that a "characteristic ingredient", as disclosed in claim 1, suggests that boosters and detergents generally contain the same characteristics. Applicants respectfully submit that one of ordinary skill in the art would recognize that there are a plethora of ingredients that a manufacturer of fabric treatment compositions and the laundry detergent compositions may choose. These ingredients are in

many cases very different. However, in order to expedite prosecution, "characteristic ingredient" was deleted from claim 1 in Applicant's response dated August 3, 2004.

Regarding "PRICES", as cited by the Office Action, Florman suggests forgetting brand loyalty and buying whatever satisfactory product is on sale (Emphasis added). Applicants respectfully submit that such an idea teaches away from the present invention, which discloses, among other elements, wherein the fabric treatment composition and the laundry detergent composition possess one or more coordinated elements selected from a brand name, container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, and combinations thereof.

Applicants respectfully disagree with the inference made by the Examiner regarding brand names. Regarding brand names as such, most laundry products have brand names that are not utilized with other products. As a non-limiting example, many consumers use Tide®, a laundry detergent, with Downy®, a fabric softener. These products, while made by the same manufacturer (The Procter & Gamble Company), the do not have the same brand name, trade dress, container graphics, etc.... The claims made in the Office Action regarding brand names are tantamount to the Examiner taking Official Notice of such claims. As such "it would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art". *See, In re Ahelrt,* 424 F.2d at 1091, MPEP 2144.03 A.

Regarding perfume-free products disclosed by the Office Action, Applicant respectfully submits that claim 1 is drawn to compositions wherein the fabric treatment composition and the laundry detergent composition possess one or more coordinated elements selected from a brand name, container graphics, containers, the dosages per container, a dye, a perfume, a trade dress, and combinations thereof. Applicants respectfully submit that the lack of perfume, as suggested by the Office Action, is not an element of the claim, rather it is the presence of perfume within the fabric treatment composition and the laundry detergent composition as a coordinated element that is included in the claim.

Regarding mothers of newborns using products which contain graphics that mothers of newborns will only use products which contain graphics indicating that the products are formulated especially for babies, Applicants respectfully submit that there is no disclosure or suggestion of such a limitation in any of the cited references. Further, Applicants respectfully submit that mothers of newborns do not necessarily use products that are formulated especially for babies, as presumably many consumers wash baby clothing along with adult clothing. The claim made by the Office Action reciting that mothers of newborns will only using products which contain graphics indicating that the products are formulated especially for babies is tantamount to the Examiner taking Official Notice of such a statement. As such "it would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art". *See, In re Ahelrt*, 424 F.2d at 1091, MPEP 2144.03 A.

Applicants submit that the claims overcome the arguments set forth by the Office Action.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicant respectfully invites the Examiner to contact the undersigned attorney for Applicant to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,
THE PROCTER & GAMBLE COMPANY

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